

ORDINANCE NO. 12-2022

BY:

Baker, Bullock, Kepple, Litten,
O'Malley, Rader, Shachner

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council amending Section 743.03 Mobile Food Service Operation Permit of the Codified Ordinances of the City of Lakewood to change the expiration date to better reflect the mobile food service season.

WHEREAS, Lakewood Codified Ordinance §743.03 currently provides that Mobile Food Service Operation Permits expire December 31 of each year; and

WHEREAS, vendors have complained that this is inconvenient as they usually winterize their trucks for the winter and need to have a fire inspection in order to obtain a new permit; and

WHEREAS, changing the expiration date will allow vendors to renew each spring in anticipation of the new season; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that extending permits which expired December 31, 2021 will allow for a smooth transition to these new procedures; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Section 743.03 Mobile Food Service Operation Permit, of the Lakewood Codified Ordinances reading as follows:

743.03 MOBILE FOOD SERVICE OPERATION PERMIT.

(a) No person shall cause a mobile food service operator to operate in the City unless the operator has received a mobile food service operation permit from the City.

(b) An application for a mobile food service permit shall be submitted to the Division of Housing and Building on a form provided by the Director of Public Safety. Applicants must provide the following documentation upon submittal of the permit application:

- (1) A copy of a current mobile food service operation license;
- (2) Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000.00 per occurrence, and naming the City as an additional insured, in a form that provides that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City; and
- (3) Written permission from the property owner to operate on private property.

(c) The application fee for all mobile food service operation permits shall be \$150.00, except that the fee for a mobile food service operation operating as an extension of a retail food establishment or food service operation located within the City shall be \$50.00.

(d) Upon receipt of the completed application, the Division of Housing and Building shall tender it to the Division of Fire, which shall inspect the mobile food service operation to ensure it complies with then current fire and safety standards promulgated by the Chief of Fire, and, upon completion, issue a certification of compliance to the Division of Housing and Building. Upon receipt of the certification from the Division of Fire, the Division of Housing and Building shall issue the mobile food service operation permit to the applicant, except that the Division of Housing and Building is not required to issue a mobile food service operation permit fewer than 10 days after receipt of a completed application.

(e) Mobile food service operation permits are effective on a calendar year basis, shall expire on December 31 of each year, and are not transferable.

(f) No person shall cause a mobile food service operator to operate in the City, and the City may revoke the operator's mobile food service operation permit, if the operator's food service operation license has been suspended, canceled or revoked, or if the operator fails to maintain compliance with all regulations imposed by the Department of Public Safety, the Ohio Department of Health, the Cuyahoga County Board of Health or any other local, state or federal agencies.

is hereby repealed.

Section 2. That new Section 743.03 Mobile Food Service Operation Permit, of the Lakewood Codified Ordinances is hereby enacted to read as follows:

743.03 MOBILE FOOD SERVICE OPERATION PERMIT.

(a) No person shall cause a mobile food service operator to operate in the City unless the operator has received a mobile food service operation permit from the City.

(b) An application for a mobile food service permit shall be submitted to the Division of Housing and Building on a form provided by the Director of Public Safety. Applicants must provide the following documentation upon submittal of the permit application:

(1) A copy of a current mobile food service operation license;

(2) Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000.00 per occurrence, and naming the City as an additional insured, in a form that provides that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City; and

(3) Written permission from the property owner to operate on private property.

(c) The application fee for all mobile food service operation permits shall be \$150.00, except that the fee for a mobile food service operation operating as an extension of a retail food establishment or food service operation located within the City shall be \$50.00.

(d) Upon receipt of the completed application, the Division of Housing and Building shall tender it to the Division of Fire, which shall inspect the mobile food service operation to ensure it complies with then current fire and safety standards promulgated by the Chief of Fire, and, upon completion, issue a certification of compliance to the Division

of Housing and Building. Upon receipt of the certification from the Division of Fire, the Division of Housing and Building shall issue the mobile food service operation permit to the applicant, except that the Division of Housing and Building is not required to issue a mobile food service operation permit fewer than 10 days after receipt of a completed application.

(e) Mobile food service operation permits are effective on a calendar year basis, shall expire on **May 1st** of each year, and are not transferable.

(f) No person shall cause a mobile food service operator to operate in the City, and the City may revoke the operator's mobile food service operation permit, if the operator's food service operation license has been suspended, canceled or revoked, or if the operator fails to maintain compliance with all regulations imposed by the Department of Public Safety, the Ohio Department of Health, the Cuyahoga County Board of Health or any other local, state or federal agencies.

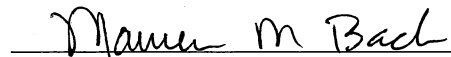
Section 3. That all Mobile Food Service Operation Permits which expired December 31, 2021 are hereby renewed through May 1, 2022.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

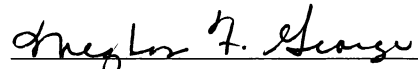
Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted 3/7/2022


Daniel J. O'Malley, President of Council


Maureen M. Bach, Clerk of Council

Approved 3/9/22


Meghan F. George, Mayor